

REMARKS

Claims 1-2, 4-7, 9, 14-21 and 23 were examined by the Office, and in the final Office Action of May 29, 2008 all claims are rejected. With this response claims 1, 9, 14 and 21 are amended, and claims 7, 19-20 and 23 are cancelled without prejudice. All amendments are fully supported by the specification as originally filed. Support for the amendments can be found at least from page 3, lines 16-19 of the specification. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

This response is submitted along with a Request for Continued Examination (RCE).

Claim Rejections Under § 112

In section 5, on page 3 of the Office Action, claims 1-2 and 4-6 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Office states that the phrase "said determined user profile" recited in claim 1 lacks antecedent basis. Claim 1 is amended to recite "said selected user profile," which refers to the user profile selected as the result of selecting a user profile stored in said mobile terminal device. Accordingly, applicant respectfully requests withdrawal of the rejection to claims 1-2 and 4-6.

Claim Rejections Under § 103

In section 8, on page 3 of the Office Action, claims 1-2, 4-7, 9, 14-21 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Theimer et al. (U.S. Patent No. 5,493,692) in view of Skladman et al. (U.S. Patent No. 7,181,495). Applicant respectfully submits that claim 1 as amended is not disclosed or suggested by the cited references, either alone or in combination. Claim 1 is amended to recite controlling at the mobile terminal device the handling of push type e-mails according to the selected user profile comprising enabling or disabling push type e-mail by activating or deactivating a hardware or software component required to receive push type e-mails in the mobile terminal device. Therefore, the amendment to claim 1 clarifies that the controlling includes activating or deactivating a hardware or software component

according to the selected user profile. The cited references at least fail to disclose or suggest this limitation of claim 1.

Theimer is based on an approach for filtering e-mails according to different environmental parameters such as actual position in a workplace area or a number and identification of persons in the vicinity of the user. Theimer is based on a system for filtering e-mails on the basis of e-mail message attributes, for example a sender's e-mail address. However, in contrast to claim 1, it would not be possible for Theimer to filter e-mails on the basis of attributes if the software or hardware components of the mobile terminal device required to receive push type e-mails were turned off. Theimer discloses determining a level of privacy and a level or priority for an electronic message, and therefore in Theimer it is necessary to use properties of the received electronic message to decide how the message should be handled by the system. If the software or hardware component of the terminal device was deactivated there would be no possibility left to deliver an electronic message that has been determined as not being private and having a top level priority. This is in contrast to the limitations of amended claim 1, which recite that the mobile terminal activates or deactivates a hardware or software component required to receive push type e-mails in the mobile terminal to enable or disable push type emails according to a setting of a respective user profile. Therefore, claim 1 recites that the activation or deactivation of hardware or software components are controlled based on the user profile.

However, in Theimer it is required that the message parameter dependent deliverance of e-mail be active in order to filter the e-mail messages. Therefore, Theimer teaches away from activating or deactivating hardware or software components required to receive push type e-mails, as recited in amended claim 1.

Furthermore, Skladman is only related to the notification of a user about incoming electronic messages, and to the generation of parameters for an e-mail filter for filtering subsequently received e-mails. Therefore, similar to Theimer, Skladman also requires filtering electronic messages on the basis of parameters of a received e-mail. In contrast to claim 1, if a hardware component or a software component required for receiving push type e-mails is deactivated it would no longer be possible to receive any e-mail messages and it is no longer possible to filter the messages in accordance

with attributes in Skladman. As such, Skladman cannot be said to disclose or suggest completely shutting down any software or hardware components required to receive push type e-mails. Therefore, for at least the reasons discussed above, claim 1 is not disclosed or suggested by the cited references, either alone or in combination.

Independent claims 7, 9, 14, 19, 21 and 23 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above in relation to claim 1.

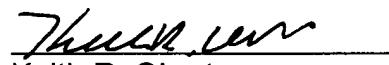
The claims depending from the independent claims are also not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The Commissioner is hereby authorized to charge to Deposit Account No. 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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